

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JQUAN LEEARTHUR MCINNIS,

Case No. 22-CV-3064 (PJS/DLM)

Petitioner,

v.

ORDER

WILLIAM BOLIN, Warden,

Respondent.

Roy G. Spurbeck, MINNESOTA STATE PUBLIC DEFENDER, for petitioner.

Matthew Frank, MINNESOTA ATTORNEY GENERAL'S OFFICE, and Nicole Cornale, HENNEPIN COUNTY ATTORNEY'S OFFICE, for respondent.

This matter is before the Court on petitioner Jquan McInnis's objection to the February 6, 2025, Report and Recommendation ("R&R") of Magistrate Judge Douglas L. Micko. Judge Micko recommends denying McInnis's petition for writ of habeas corpus. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court adopts the R&R.

This is a difficult case. Like Judge Micko, this Court harbors "grave doubt" about whether the admission of McInnis's unconstitutionally obtained confession was harmless, specifically with respect to the State's need to prove beyond a reasonable doubt that McInnis intended to kill when he fired the shot that killed J.R. Given the trial

court's repeated references to what was *omitted* from McInnis's confession in its brief transferred-intent analysis, the Court struggles to understand how the Minnesota Supreme Court could have determined that admitting the confession was harmless, let alone harmless *beyond a reasonable doubt*.

That said, and as the R&R ably explains, the Court is constrained by the Antiterrorism and Effective Death Penalty Act ("AEDPA") and controlling precedent interpreting that statute. After much reflection, the Court reluctantly concludes that the Minnesota Supreme Court's unanimous decision, although likely wrong, is not "so obviously wrong that its error lies beyond any possibility for fairminded disagreement." *Shinn v. Kayer*, 592 U.S. 111, 118 (2020) (per curiam) (internal quotation marks omitted). Therefore, the Court must deny the petition.

ORDER

Based on all of the files, records, and proceedings herein, the Court OVERRULES petitioner's objection [ECF No. 19] and ADOPTS the R&R [ECF No. 18]. IT IS HEREBY ORDERED THAT:

1. Petitioner's petition for writ of habeas corpus [ECF No. 1] is DENIED.
2. This action is DISMISSED WITH PREJUDICE.
3. A certificate of appealability is GRANTED as to the following issue only:
"Did the Minnesota Supreme Court unreasonably apply federal law, as

determined by the Supreme Court of the United States, when it concluded that any error in admitting Jquan McInnis's unconstitutionally obtained confession was harmless beyond a reasonable doubt?"

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 27, 2025

/s/ Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court